



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

EXPRESS MAIL MAILING LABEL

NO. EV60609430US

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 9

TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

AUG 01 2002

COPY MAILED

JUL 29 2002

OFFICE OF PETITIONS

In re Application of
Barry Gellman, Ghaleb Sater,
Armand Morin, and Stephen Beaudet
Application No. 09/738,378
Filed: December 15, 2000
Attorney Docket No. BSC-065CP
Title: BONE ANCHOR PLACEMENT DEVICE
WITH RECESSED ANCHOR MOUNT

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the request for reconsideration of petition, filed April 15, 2002 (certificate of mailing April 5, 2002), under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on December 15, 2000, without the statutory basic filing fee, with additional claim fees due, and without an executed oath or declaration. Barry Gellman, Ghaleb Sater, Armand Morin and Stephen Beaudet were named as joint inventors. In reply to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," mailed February 23, 2001, applicants timely filed the initial petition under §1.47. The petition was dismissed for failure to provide proof that non-signing inventor Beaudet refused to sign the Declaration after having been presented with the application papers (Decision mailed February 5, 2002).

Rule 47 applicants timely filed the instant renewed petition. In support of the request for reconsideration, applicants submitted a declaration of Cathleen K. Dyer, which attests to having sent inventor Beaudet the entire application package with a declaration for signature; a copy of the cover letter transmitting the application papers to inventor Beaudet; a copy of the Federal Express Tracking Record, noting delivery of the express mail package; and another letter from inventor Beaudet stating, among other things, that "Once again, I feel the need to decline to sign the enclosed documents."

The petition is now in compliance with 37 C.F.R. §1.47(a). The declaration filed April 26, 2001 was previously determined to be in compliance.

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Thereafter, the application will be forwarded to Technology Center 3732 for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.


Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy